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# Employee Data Privacy Notice

# How we use school workforce information

## The categories of school workforce information that we collect, process, hold and share include:

* personal data (such as name, employee or teacher number, national insurance number, address and personal contact details (including telephone and e mail), bank account details and residency history
* special categories of personal data including personal and protected characteristics information such as gender, age, ethnicity, disability & health, biometric data etc
* contract information (such as start dates, hours worked, post, roles and salary and payroll information)
* work absence information (such as number of absences and reasons together with related medical information)
* qualifications (and, where relevant, subjects taught)
* training & development and performance records

## Why we collect and use this information

We use school workforce data to:

* enable the development of a comprehensive picture of the workforce and how it is constructed and deployed
* respond to governmental and legal reporting requests
* inform the development of recruitment and retention policies
* enable individuals to be paid
* inform responses to requests for employer references
* enable the conduct and management of the employee relationship
* ensure secure checking of right to work in UK and eligibility to work with children
* communicate with individual employees including when they are not at work
* manage payroll and other statutory/regulatory reporting duties of the employer

## The lawful basis on which we process this information

By law we have a legal obligation to process school workforce data to make sure we meet the requirements of [The Education Act 1996](http://www.legislation.gov.uk/ukpga/1996/56/contents)~~.~~

We also process personal data under Data Protection legislation and Regulations when at least one of the following lawful bases for processing apply:

* clear consent has been provided for us to process an individual’s personal data for a specific purpose.
* for the necessary performance of a contract we have with an individual, or because they have asked us to take specific steps before entering into a contract.
* For purposes of a legitimate interest or compliance with a legal obligation.
* necessary to protect the vital interests of the data subject such as emergency situations
* necessary for a task carried out in the public interest.

In order to lawfully process special categories of personal data we shall identify both a lawful basis from those outlined above and one of the following special conditions:

* explicit consent has been provided by the data subject to the processing of such data.
* legal obligation on the data controller (the Trust as the employer) in respect of employment, inland revenue and social security obligations etc.
* processing is necessary to protect the vital interests of the data subject or of another natural person where the data subject is physically or legally incapable of giving consent.
* processing relates to personal data which are manifestly made public by the data subject employee).
* processing is necessary for the establishment, exercise or defence of legal claims or whenever courts are acting in their judicial capacity.
* processing is necessary in the performance of a task carried out in the public interest or in exercise of official authority.
* processing is necessary for archiving purposes in the public interest, research and statistics.

## Collecting this information

Whilst the majority of information you provide to us is mandatory, some of it is provided to us on a voluntary basis. In order to comply with data protection legislation, we will inform you whether you are required to provide certain school workforce information to us or if you have a choice in this.

## Storing this information

We hold school workforce data for the following periods.

This schedule lists the principal documents held on an employee’s file. The list is not, however, exhaustive and other documents relating to employment may be held. Personnel files will be held for the length of employment + 7 years at which time they will be destroyed. Documents relating to child protection, legal claims and agreements, or accidents at work, may be held indefinitely.

|  |  |
| --- | --- |
| **Document** | **Period of retention** |
| Original job application form and references | Termination + 7years |
| Copy of Contract of employment and any variation/acceptance correspondence. | Termination + 7years |
| Confirmation of pre-employment medical check clearance | Termination + 7years |
| Confirmation of DBS and Right to work in UK clearance and any associated docs and Barred list clearance for teachers | Indefinitely |
| Copies of qualifications/ certificates relevant to employment | Termination + 7years |
| Formal disciplinary warnings – child protection related | Indefinitely |
| Formal disciplinary warnings – not child protection related | In accordance with the disciplinary policy |
| Staff induction records | Termination + 7years |
| Documentation relating to the termination of employment. | Termination + 7 years |
| Salary assessment documents and timesheets | Current year + 6 years |
| Appraisal and performance management information | Current year + 6 years |
| Medical certificates and sickness and other absence, accident or injury at work records | Current year + 6 years. Held for longer if serious accidents require it. |

# Who we share workforce information with

We routinely share this information; -

* with the Department for Education (DfE)
* with HMRC and Pension Organisations
* with other schools within our Multi-Academy Trust
* with the Local Authority (in relation to their statutory or Child Protection duties and services)
* with our payroll provider service (in relation to their duties to ensure accurate pay and pay deduction arrangements)
* in response to requests for employment references

# Why we share school workforce information

We do not share information about workforce members with anyone without consent unless the law and our policies require or allow us to do so.

**Local Authorities**

We are required to share information about our workforce members with the local authorities in which our schools are situated under section 5 of the Education (Supply of Information about the School Workforce) (England) Regulations 2007 and amendments.

**Department for Education (DfE)**

We share personal data with the Department for Education (DfE) on a statutory basis. This data sharing underpins workforce policy monitoring, evaluation, and links to school funding / expenditure and the assessment of educational attainment.

We are required to share information about our pupils with the (DfE) under section 5 of the Education (Supply of Information about the School Workforce) (England) Regulations 2007 and amendments.

# Data collection requirements

The DfE collects and processes personal data relating to those employed by schools (including Multi Academy Trusts) and local authorities that work in state funded schools (including all maintained schools, all academies and free schools and all special schools including Pupil Referral Units and Alternative Provision). All state funded schools are required to make a census submission because it is a statutory return under sections 113 and 114 of the Education Act 2005

To find out more about the data collection requirements placed on us by the Department for Education including the data that we share with them, go to <https://www.gov.uk/education/data-collection-and-censuses-for-schools>.

The Department may share information about school employees with third parties who promote the education or well-being of children or the effective deployment of school staff in England by:

* conducting research or analysis
* producing statistics
* providing information, advice or guidance

The department has robust processes in place to ensure that the confidentiality of personal data is maintained and there are stringent controls in place regarding access to it and its use. Decisions on whether DfE releases personal data to third parties are subject to a strict approval process and based on a detailed assessment of:

* who is requesting the data
* the purpose for which it is required
* the level and sensitivity of data requested; and
* the arrangements in place to securely store and handle the data

To be granted access to school workforce information, organisations must comply with its strict terms and conditions covering the confidentiality and handling of the data, security arrangements and retention and use of the data.

For more information about the department’s data sharing process, please visit:

<https://www.gov.uk/data-protection-how-we-collect-and-share-research-data>

To contact the department: <https://www.gov.uk/contact-dfe>

# Requesting access to your personal data

Under data protection legislation, you have the right to request access to information about you that we hold. To make a request to view your personal information you may contact the Headteacher/Principal of the school in which you work, or the Data Protection Officer for the Trust. You may be asked to complete a subject access form which will be obtained from the Data Protection Officer or via the Trust’s website. Contact details for the Data Protection Officer are as follows; -

Data Protection Officer

The Active Learning Trust

c/o Isle of Ely Primary School

School Road

Ely

Cambridgeshire CB6 2FG

Email: dataprotection@activelearningtrust.org

You also have the right to:

* object to processing of personal data that is likely to cause, or is causing, damage or distress
* prevent processing for the purpose of direct marketing
* object to decisions being taken by automated means
* in certain circumstances, have inaccurate personal data rectified, blocked, erased or destroyed; and
* claim compensation for damages caused by a breach of the Data Protection regulations

If you have a concern about the way we are collecting or using your personal data, we ask that you raise your concern with us in the first instance. Alternatively, you can contact the Information Commissioner’s Office at <https://ico.org.uk/concerns/>

# Further information

If you would like to discuss anything concerning data privacy you may contact the Headteacher/Principal of the school in which you work or the Data Protection Officer for the Active Learning Trust (contact details given above).